

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

TREVOR FITZGIBBON,

PLAINTIFF

vs.

JESSELYN A. RADACK,

DEFENDANT

Civil Action No. 3:18-cv-247

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
EMERGENCY MOTION TO SEAL THE COMPLAINT**

Plaintiff has filed a Complaint containing nude pictures of Defendant Jesselyn Radack, as well as a picture of Ms. Radack wearing lingerie. (Compl. ¶ 15, 16, 19-20.) The nude pictures contain minimal redactions over Ms. Radack's nipples, but otherwise reveal her bare breasts and buttocks. The inclusion of these pictures in a publicly filed Complaint is unnecessary and reprehensible.

The inclusion of the pictures in the Complaint serves no purpose other than to harass and humiliate Ms. Radack for reporting to the police that she was sexually assaulted by Plaintiff. There is no reason that Plaintiff could not have simply described the pictures in words, rather than including the actual pictures in the Complaint.

Ms. Radack requests that this emergency motion be granted so that Complaint remains temporarily sealed. *In re Knight Pub. Co.*, 743 F.2d 231, 236 n.1 (4th Cir. 1984) (“The court may temporarily seal the documents while the motion to seal is under

consideration so that the issue is not mooted by the immediate availability of the documents.”) Thereafter, if Plaintiff objects or the Court has concerns regarding the public’s right of access, fuller briefing can occur.

Respectfully Submitted,

/s/ Andrew Clarke

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**Pro hac vice motion pending*

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